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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CAREY HENDRICKSON,

Defendant.

Case No. CR-12-0292-YGR

**STIPULATION AND ~~PROPOSED~~
PROTECTIVE ORDER**

~~CONFIDENTIAL~~

Pursuant to Fed. R. Crim. P. 16(d), the United States and the defendant, through their undersigned counsel, hereby stipulate and agree that the Court should issue the proposed Protective Order requiring that all FBI Form 302s and other interview reports produced by the government to the defendant be subject to the following conditions:

1. Protected Material

The government is preparing to produce a substantial number of witness interview reports prepared by law enforcement agents. The government's investigation, however, is on-going and disclosure of the interview reports to witnesses, subjects, and targets of that investigation, or their counsel, may obstruct the investigation and influence the testimony of potential witnesses.

To expedite discovery, and avoid any potential delay which might result from redacting confidential information from the documents prior to their production, the parties have agreed

1 that, at present, all witness interview reports produced by the government shall be deemed
2 "Protected Material."

3 Possession of copies of the Protected Material shall be limited to the defendant, her
4 attorney, and the "defense team," which includes any investigators, paralegals, law clerks,
5 assistants and other persons who are within the attorney-client privilege (hereinafter collectively
6 referred to as "members of the defense team"). The "defense team" does **not** include individuals
7 or attorneys with whom the defendant or her attorney have a joint defense agreement.

8 **The defendant, her attorney and the members of her defense team agree not to**
9 **provide copies of the Protected Material to any other person, or to share the contents of the**
10 **Protect Material with any other person.**

11 Pursuant to Fed. R. Crim. P. 16(d)(1), the parties may, for good cause shown, seek an
12 order modifying this Protective Order to, for example, exclude certain documents from the
13 category of Protected Material, and nothing about this stipulation and order shall constrain the
14 ability of the parties to seek, or the ability of the Court to grant, such relief.

15 2. Court Filings

16 The parties agree that they will make good faith efforts to undertake all reasonable and
17 practicable steps to prevent the public disclosure in court filings of Protected Material. Such
18 steps may include, but are not limited to, filing under seal, redacting or coding the information.

19 3. Return of Protected Material

20 The defendant, her attorney and the members of her defense team shall return all
21 Protected Material provided pursuant to this Protective Order to the government within ninety
22 (90) calendar days after any one of the following events, whichever occurs latest in time: (a)
23 dismissal of all charges against the defendant; (b) defendant's acquittal after trial by court or jury;
24 (c) if defendant is convicted, the expiration of the time period in which a direct appeal may be
25 taken; (d) if a direct appeal is taken, the date on which any such appeal is finally determined; and,
26 (e) expiration of time for the defendant's application for habeas corpus relief.

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1 The government will maintain a copy of all Protected Material in compliance with its
2 normal document retention policies.

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4 SO STIPULATED.

5 DATED: 9/13/2012

MELINDA HAAG
United States Attorney

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JOHN H. HEMANN
Assistant United States Attorney


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11 DATED: 9/13/2012

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JOHN RUNFOLA
Counsel for Carey Hendrickson

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14 **PROTECTIVE ORDER**

15 PURSUANT TO STIPULATION IT IS SO ORDERED.

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17 DATED: 9/13/2012

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HON. YVONNE GONZALEZ-ROGERS
United States District Judge